

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEATTLE SCHOOL DISTRICT NO. 1,

Plaintiff,

v.

KURT BENSHOOF,

Defendant.

No.

COMPLAINT

Plaintiff Seattle School District No. 1 (“Seattle Public Schools” or the “District”) brings this action for declaratory relief and alleges as follows:

PRELIMINARY STATEMENT

Pursuant to 28 U.S.C. § 2201, Seattle Public Schools brings this action for Declaratory Judgment seeking an Order prohibiting the disclosure of certain information contained in the student records of a former student.

Under the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g, *et seq.*, parents have certain rights with respect to their children’s educational records, including the right to inspect and review the student’s education records maintained by a school that receives federal funding under any program administered by the U.S. Department of Education. 20 U.S.C. § 1232g; 34 CFR Part 99. These rights apply to custodial and noncustodial parents alike, unless there is a court order to the contrary. The Plaintiff school district, and its individual schools, are

1 subject to FERPA.

2 Defendant Kurt Benshoof has requested access to his son's educational records held by
3 Jane Addams Middle School in the District, and specifically seeks those records that reveal where
4 his son's educational records were transferred when he left the District, in order to locate his son.
5 Seattle Public Schools was previously provided with a Restraining Order issued in King County
6 Superior Court in the State of Washington against Mr. Benshoof, which remains in effect. The
7 Restraining Order states that Mr. Benshoof "represents a credible threat to the physical safety" of
8 the mother of his son. The Order in part prohibits Mr. Benshoof from contacting his son and the
9 mother of his son; prohibits him from approaching the school his son attends; and prohibits him
10 from stalking his son and the mother of his son.
11

12 Under the Revised Code of Washington ("RCW") 9A.46.110(1), a person commits the
13 crime of stalking if, without lawful authority the person intentionally contacts, follows, tracks, or
14 monitors, or attempts to contact, follow, track, or monitor another person after being given actual
15 notice that the person does not want to be contacted, followed, tracked, or monitored. To Plaintiff's
16 knowledge and belief, Mr. Benshoof is aware of the Restraining Order and he learned through the
17 court proceedings leading to that Order that his son and his son's mother do not wish to be located
18 by him. Further, Seattle Public Schools has been asked by attorneys for the mother of Mr.
19 Benshoof's son not to disclose information that would allow him to locate her and her son out of
20 fear for their physical safety.
21

22 Based on the above information and the plain language of the Restraining Order prohibiting
23 Mr. Benshoof from stalking his son, the District believes it is prohibited from disclosing records
24 to Mr. Benshoof that would potentially disclose his son's location, and has therefore withheld such
25 information. Mr. Benshoof has threatened legal action for withholding that information.
26
27

I. PARTIES

- 1.1 Plaintiff Seattle Public Schools is a public school district established by the laws of the State of Washington, and has its principal place of business at the John Stanford Center for Educational Excellence, 2445 3rd Ave. S, Seattle, WA 98134.
- 1.2 Defendant Kurt Benshoof is the biological father of a former student in the District, who, to the District's knowledge, currently resides in Seattle, Washington.

II. JURISDICTION AND VENUE

- 2.1 This is an action for declaratory judgment pursuant to 28 U.S.C. § 2201 for the purpose of determining an actual controversy between the parties, as more fully set forth below.
- 2.2 Jurisdiction of this action is based upon 28 U.S.C. § 1331, seeking an interpretation of 20 U.S.C. § 1232g, otherwise known as the Family Educational Rights and Privacy Act ("FERPA"). While there is currently no amount in controversy between Plaintiff and Defendant, Plaintiff is subject to federal regulations which provide for loss of federal funding for the unauthorized disclosure of personally identifiable information of students as more fully set forth below. *See* 20 U.S.C. § 1232g(f); 34 C.F.R. § 99.67.
- 2.3 This Court has the authority to grant declaratory relief pursuant to the Declaratory Judgment Act, 28 U.S.C § 2201, *et seq.*
- 2.4 Venue in the Western District of Washington is proper under 28 U.S.C. § 1391 because the parties reside in the District and the substantial portion of the events that give rise to this action occurred in the District.

III. FACTUAL ALLEGATIONS

3.1 On October 12, 2023, Mr. Benshoof contacted the District's main office and apparently spoke with an "admissions clerk" seeking information about his son's attendance in the District. According to Mr. Benshoof, he was informed that his son was not enrolled in the District but that he could not be told where he had transferred because of an existing No Contact Order. (A true and correct copy of Mr. Benshoof's email correspondence referencing this conversation is incorporated by reference herein and attached as Ex. A).

3.2 Mr. Benshoof then contacted the District's General Counsel, Greg Narver, seeking to clarify the status of the No Contact Order, which he asserts does not preclude him from accessing information in his son's educational records, and also offered proof of his parentage. *See* Ex. A.

3.3 On October 14, 2023, Mr. Benshoof sent another email to Mr. Narver. In that correspondence he stated that he had filed a federal lawsuit against the mother of the student at issue, that he was entitled to review his son's educational records, which includes information about where his son's school records were forwarded; that he had telephoned the registrar for Jane Addams Middle School ("JAMS") where his son had previously attended school, but that the registrar blocked his email address and refused to answer his correspondence and phone calls; that he did not believe the family court orders the District relies on are valid; and that if the District continues to rely on the orders to withhold information in his son's records, he will sue the District in a "RICO" action. (A true and correct copy of Mr.

Benshoof's email correspondence is incorporated by reference herein and attached as Ex. B).

3.4 On October 17, 2023, Mr. Benshoof again emailed Mr. Narver stating that he had received no response to his prior communications, nor any response from JAMS, that he was seeking his son's student records under state and federal law, and that if the District continued to withhold the information he was seeking, he believed it was a violation of a number of state and federal criminal statutes. (A true and correct copy of Mr. Benshoof's email correspondence is incorporated by reference herein and attached as Ex. C).

3.5 On October 17, 2023, Mr. Narver responded to Mr. Benshoof with the following: "We are in receipt of your emails concerning your son's educational records. Please clarify exactly which educational records you are asking Seattle Public Schools to provide. Any records and information that you are legally entitled to receive will be produced to you within the 45-day time period established under the Family Educational Rights and Privacy Act. *See* Ex. D.

3.6 Shortly thereafter, Mr. Benshoof responded:

I have a right to examine them today, so spare me your irrelevant FERPA citations. I've seen them already. I addressed them in my lawsuit.

I wish to produce for my examination or review ALL of my son's records in the possession of Seattle Public Schools so that I can trace when and where Ms. Owen has violated RCW 9A.76.175 to facilitate her custodial interference.

If this will take more than one day, the prioritized order of importance for production and/or review is as follows:

1. SPS records of where my son's records were forwarded to after [A] completed, or was withdrawn from, 8th grade at JAMS.

2. The enrollment records Ms Owen filed with JAMS/SPS in August or September 2021, including, but not limited to, any records Ms Owen completed or submitted regarding who were [A's]: (1) parents, (2) legal guardians; (3) step parents; and who did, or did not, have the right to pick [A] up from school.

Continuing to conceal my son's records from me constitutes a willful effort on the part of Seattle Public Schools employees to delay or prevent me from obtaining evidence of Ms. Owen's crimes and to facilitate her resultant criminal and civil trials. As such, this concerted concealment constitutes a violation of 18 U.S. Code § 1512(b), a predicate act under civil RICO 18 U.S. Code § 1962(c)(d).

(A true and correct copy of Mr. Benshoof's email correspondence is incorporated by reference herein and attached as Ex. D).

3.7 Mr. Narver responded:

We are in receipt of your request for educational records concerning [ARW].

Seattle Public Schools receives numerous requests from parents for educational records, and SPS processes these requests in the order in which they are received. There are other parents who submitted records requests before you did, and we are under no obligation to prioritize your request ahead of theirs.

As you are aware, FERPA allows us 45 days to produce educational records. The 45-day time frame is also contained in SPS Superintendent Procedure 3231SP. We are sometimes able to produce records sooner than that, but because of the volume of requests we receive and the limited number of staff we have to respond, there is no guarantee that we can. You will receive those educational records you have requested that SPS is legally obligated to produce no later than 45 days from the time of your request, in compliance with the law and our procedure.

You will next hear from us when we have records ready to produce to you.

(A true and correct copy of Mr. Narver's email correspondence is incorporated by reference herein and attached as Ex. E).

1 3.8 On October 22, 2023, Mr. Benshoof sent the following email to Mr. Narver:

2 It appears that you need to be reminded that I began requesting
3 access to my son's records more than two years ago. You did not
4 have the legal authority to deny me access to my son's records two
5 years ago.

6 As such, I suggest you do everything in your power to expedite this
7 process, starting with providing me the information regarding any
8 document in the possession of SPS evidencing where my son's
9 records have been forwarded to.

10 You're a public *servant*. Act like it.

11 FYI: I will be filing PRR's regarding the Covid-19 Vaccination
12 Program Provider Agreements ("VPPA") that SPS may be a party
13 to. If you have any knowledge or possession of such agreements,
14 you can save me the hassle and have them emailed them to me
15 directly.

16 ...

17 It's gonna get worse, Mr. Narver. Unfortunately, you took an
18 impertinent, adversarial position back in 2021 when I tried to protect
19 my son from the ignorance and criminality of SPS officials, which I
20 have thoroughly documented and recorded. Ooops!

21 (A true and correct copy of Mr. Benshoof's email correspondence is incorporated
22 by reference herein and attached as Ex. F).

23 3.9 On October 24, 2023, Mr. Benshoof emailed Mr. Narver and the Washington State
24 Attorney General, threatening legal action if the District continues to refuse to
25 produce information from his son's education records. (A true and correct copy of
26 Mr. Benshoof's email correspondence is incorporated by reference herein and
27 attached as Ex. G). Mr. Benshoof also sent a complaint to the Washington Human
 Rights Commission. (A true and correct copy of Mr. Benshoof's email
 correspondence is incorporated by reference herein and attached as Ex. H).

1 3.10 On October 25, 2023, Mr. Benshoof sent an email to multiple employees of the
2 District alleging that the District took part in promoting and requiring students to
3 take “experimental gene treatments” under the guise of Covid vaccines. (A true and
4 correct copy of Mr. Benshoof’s email correspondence is incorporated by reference
5 herein and attached as Ex. I).

6 3.11 On November 7, 2023, Mr. Benshoof called Mr. Narver and left him a voice mail
7 message stating that his son cannot be found, that his son’s uncle went to the Seattle
8 Police Department and was told the student could not be located, and that he was
9 giving the District one more chance to produce information about where his son’s
10 records had been transferred so that he can locate his son. (A true and correct
11 electronic copy of Mr. Benshoof’s voice message has been preserved by the District
12 and can be provided to the Court if necessary).

13 3.12 On October 21, 2022, King County Superior Court Judge David Keenan issued a
14 Restraining Order against Mr. Benshoof, which protects his son and his son’s
15 mother from stalking behavior by Mr. Benshoof. To the District’s knowledge and
16 belief, the Order is current and valid and remains valid until September 28, 2027,
17 and was based on the determination that Mr. Benshoof represents a credible threat
18 to the physical safety of the persons protected by the order, namely, his son and his
19 son’s mother. (A true and correct copy of the Restraining Order is incorporated by
20 reference herein and attached as Ex. J).

21 3.13 On November 28, 2023, the District produced copies of the student’s education
22 records and emails pertaining to the student, totaling 535 pages, to Mr. Benshoof
23 pursuant to FERPA, but redacted information on 15 of those pages which either
24 25
26
27

1 identified where the student's records had been transferred or was personal
2 information of third parties such as home addresses, email addresses or cell phone
3 numbers. The District believes it is prohibited from releasing this information that
4 Mr. Benshoof would normally have the right to access because there is a court
5 order, the aforementioned Restraining Order, to the contrary. (A true and correct
6 copy of the District's response is incorporated by reference herein and attached as
7 Ex. K).

9 3.14 FERPA lists certain situations in which the school need not disclose personally
10 identifiable information from student records to a biological parent, including when
11 it is prohibited by a court order. *See* 20 U.S.C. § 1232g; 34 C.F.R. 99.31.

12 3.15 The United States Family Policy Compliance Office, which is tasked with making
13 decisions about alleged FERPA violations, has ruled that a school district does not
14 violate FERPA by withholding certain personal contact information in order to
15 protect the health and safety of a student. *Letter to Arakaki*, Family Policy
16 Compliance Office, 22 FAB 12, 119 LRP 1066 (Aug. 1, 2018). (A courtesy copy
17 of this *Letter* decision is attached hereto as Ex. L).

19 3.16 If the Seattle School District improperly discloses confidential student information
20 to Mr. Benshoof, not only does it put the personal safety of his son and son's mother
21 at risk, one possible penalty is the loss of all of the District's federal funding. *See*
22 20 U.S.C. § 1232g; 34 C.F.R. 99.31. For the 2023-2024 school year, the District
23 will receive in excess of \$73 million in federal funding, which accounts for 6.3%
24 of the District's resources. The District will not provide the information requested
25 by Mr. Benshoof and risk violating the rights of his son and son's mother, as well
26
27

1 as the forfeiture of federal funding essential to the delivery of educational services
2 to its students.

3 **IV. FIRST CAUSE OF ACTION**

4 **(Declaratory Relief)**

5 4.1 The District repeats, reiterates and re-alleges each and every allegation of the
6 preceding paragraphs as if set forth herein, verbatim and fully at length.

7 4.2 The purpose of the Declaratory Judgment Act, 28 U.S.C. §§ 2201-02, is to provide
8 parties with an early opportunity to resolve federal issues to avoid the threat of
9 impending litigation.

10 4.3 Mr. Benshoof has informed the District that he intends to pursue legal action if it
11 does not produce information from his son's education records that would allow
12 him to discover where his son's records were transferred and where his son might
13 now be located.

14 4.4 The District has permissibly withheld the information and records sought by Mr.
15 Benshoof under the exceptions found in FERPA. *See* 20 U.S.C. § 1232g; 34 C.F.R.
16 99.31

17 4.5 Therefore, the District is entitled to a declaration that it has permissibly withheld
18 certain information from Mr. Benshoof under the exceptions found in FERPA, and
19 is in fact prohibited from disclosing such information, and therefore it need not
20 produce the requested records and information pertaining to his son's location.

21 **V. RELIEF REQUESTED**

22 WHEREFORE, for all of the reasons set forth above, Plaintiff Seattle School District
23 respectfully request an Order that:

- 1 1. FERPA prohibits the release of the information requested by Mr. Benshoof based on
- 2 the fact that there is an existing court order prohibiting him from stalking protected
- 3 persons including his son; and
- 4
- 5 2. Such other and further relief as maybe proper.

6 DATED this 28th day of November, 2023.

8 PACIFICA LAW GROUP LLP

9 By /s/ Sarah S. Mack

10 Sarah S. Mack, WSBA #32853

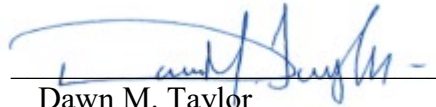
11 *Attorneys for Plaintiff Seattle School District*

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of November, 2023, I electronically filed the foregoing document and exhibits thereto with the Clerk of the United States District Court using the CM/ECF system which will send notification of such filing to all parties who are registered with the CM/ECF system.

In addition, Defendant was served via electronic mail, along with a request for a Waiver of Service of Summons.

DATED this 28th day of November, 2023.


Dawn M. Taylor

Appendix of Referenced Exhibits

From: [kurt.benshoof](#)
To: [Narver, Gregory C](#)
Subject: Azrael Rune Walker
Date: Thursday, October 12, 2023 1:32:16 PM

Gregory,

I just got off the phone with the District Office. The admissions clerk stated that my son is not attending any school in Seattle Public Schools, but could not tell me which school my sons records were transferred to because of the No Contact Order.

I tried to explain to the clerk that the No Contact Order does not preclude me accessing my son's records or knowing which school he is attending, but the clerk is just following policy. I offered to email him a scanned copy of the birth certificate issued from the state, amended to show my name as father, but the clerk insisted I go through legal first.

My cell phone is (206) 460-4202.

In Truth & Spirit,
Reverend Kurt Benshoof

"It's easier to build strong children than to repair broken men."
---Frederick Douglass

"It's amazing how much panic one honest man can spread among a multitude of hypocrites."
---Thomas Sowell

CAUTION: This email originated from outside of the organization. Please don't click links, open attachments, or reply with confidential details unless you are certain you know the sender and are expecting the content.

From: [kurt.benshoof](#)
To: [Narver, Gregory C](#); [Montgomery, Paula](#); [Booker, Justin O](#)
Subject: Re: Azhrael Rune Walker
Date: Saturday, October 14, 2023 12:59:35 PM
Attachments: [Document 9 PLAINTIFF Complaint.pdf](#)
[Birth Certificate ARW.pdf](#)

Gregory,

In the event that you are not aware of the federal lawsuit filed naming Ms. Jessica R. Owen, Ms. Magalie E. Lerman (Owen's narcissistic prostitute fiancée), Mr. Nathan L. Cliber (Owen's corrupt family law attorney), and Justin Booker, please see the attached .pdf.

You will note that it details the laws protecting my rights as Azhrael Rune Walker's father to review my son's school records, which include record of WHERE Seattle Public Schools has forwarded my son's school records.

I telephoned the registrar for JAMS on Thursday October 12, 2023. My call was not returned. I then emailed the registrar and discovered the registrar had already blocked my email even though I had never previously emailed them. A helpful person in the JAMS office forwarded my email to the registrar and cc'd me on October 12, 2023. Still the registrar refused to respond.

Even if the family court orders were valid---which my attached complaint evinces they are most definitely not---Ms. Owen signed them explicitly agreeing to the condition of keeping me informed *on a weekly basis* of our son's health and *school progress*. As such, if you are going to continue asserting that the family court orders are valid, your position that these orders empower you to deny me access to school records can only be construed as aiding and abetting Ms. Owen's continued violations of the family court conditions she is signatory to; that is, your position is an untenable hypocrisy.

Additionally, past assertions that I needed to provide SPS with proof of fatherhood can no longer retain even a thin veneer of plausibility, as you will also find the attached .pdf of my son's birth certificate evidencing that I am Azhrael's father.

As I have been informing you, Justin Booker, and Paula Montgomery since September 2021, Ms. Jessica R. Owen is a pathological liar and a narcissistic child abuser. Ms. Owen fraudulently altered and/or filed fraudulent school records to falsely assert that Ms. Owen was the sole "legal guardian" of our son and that I was not our son's father. Ms. Owen did this to promulgate the lie that I did not have full rights as Azhrael's father. As an experienced attorney, you surely know that it is a legal impossibility for a *birth parent* to be designated a "legal guardian" pursuant to Washington state law. If you still don't understand this basic fact, it is detailed in my attached complaint for your prompt edification.

Continuing to conceal my son's records from me constitutes a willful effort on the part of Seattle Public Schools employees to delay or prevent me from obtaining evidence of Ms. Owen's crimes and to facilitate her resultant criminal and civil trials. As such, this concerted concealment constitutes a violation of 18 U.S. Code § 1512(b), a predicate act under civil RICO 18 U.S. Code § 1962(c)(d).

Please cease and desist all criminal activity.

In Truth & Spirit,
Reverend Kurt Benshoof

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---Frederick Douglass

"It's amazing how much panic one honest man can spread among a multitude of hypocrites."
---Thomas Sowell

On Thu, Oct 12, 2023 at 1:32 PM kurt benshoof <kurtbenshoof@gmail.com> wrote:

Gregory,

I just got off the phone with the District Office. The admissions clerk stated that my son is not attending any school in Seattle Public Schools, but could not tell me which school my sons records were transferred to because of the No Contact Order.

I tried to explain to the clerk that the No Contact Order does not preclude me accessing my son's records or knowing which school he is attending, but the clerk is just following policy. I offered to email him a scanned copy of the birth certificate issued from the state, amended to show my name as father, but the clerk insisted I go through legal first.

My cell phone is (206) 460-4202.

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From: [kurt.benshoof](#)
To: [Mishra, Sanjay N](#); [Narver, Gregory C](#); [Brent.Jones@seattleschools.gov](#); [Montgomery, Paula](#); [Cerqui, John](#); [Youssef, Nazik S](#); [Disario, Rachel C](#); [O'Connor, Roxane A](#); [Camacho, Dairely](#); [Lee, Lorraine N](#); [Public Records Request](#); [Hastings, Ayrian L](#)
Subject: Re: Student Azhrael Rune Walker
Date: Tuesday, October 17, 2023 12:19:55 PM

Hello again!

I have not received any response from the JAMS registrar, nor has Chief Legal Counsel Gregory Narver responded to my emails from last week. The JAMS registrar already had my email blocked when I tried emailing them last week for the first time.

I spoke with someone at the SPS District HQ last week, who kindly confirmed that my son is no longer attending SPS, but the person mistakenly believed that the family court restraining order (obtained by his mother, Jessica R. Owen) precludes me from access to SPS records for my son. I've read the restraining orders, and there is nothing in those orders authorizing SPS to withhold my son's school records from me.

My son's name is Azhrael Rune Walker, DOB 4-22-2009.

RCW [28A.605.030](#)

Student education records—Parental review—Release of records—Procedure.

The parent or guardian of a student who is or has been in attendance at a school *has the right to review* all education records of the student.

Denying me the right to review SPS records constitutes a violation of:

RCW [9A.80.010](#)

Official misconduct.

(1) A public servant is guilty of official misconduct if, with intent to obtain a benefit or *to deprive another person of a lawful right or privilege*:

(a) He or she intentionally commits an unauthorized act under color of law; or

(b) He or she intentionally *refrains from performing a duty imposed upon him or her by law*.

(2) Official misconduct is a gross misdemeanor.

Denial of rights under "color of law" is also a federal felony pursuant to 18 U.S. Code § 242:

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the *deprivation of any rights, privileges, or immunities* secured or protected by the Constitution or laws of the United States

Through the equal protection clause of the Fourteenth Amendment, my First Amendment to the United States Constitution right to redress of grievances is being infringed upon by the malfeasance, misfeasance, or nonfeasance of SPS officials. I have reason to believe, and do believe, that my son's mother, Jessica R. Owen, knowingly and willfully LIED when she submitted admission documents to Jane Addams Middle School in September 2021 in order to perpetrate custodial interference against me. SPS, by denying me access to my son's records, appear to be aiding and abetting the false or misleading statements of Ms. Owen, which were made in violation of RCW 9A.76.175:

RCW 9A.76.175

Making a false or misleading statement to a public servant.

A person who knowingly makes a false or misleading material statement to a public servant is guilty of a gross misdemeanor. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

Furthermore, rights not elsewhere enumerated are reserved to the people under the Ninth Amendment to the United States Constitution.

Please either: (1) provide evidence documenting the lawful authority by which SPS officials are denying my right of review pursuant to RCW 28A. 605.030; (2) provide my son's records to me immediately; or (3) acknowledge that SPS officials are in violation of state and federal laws.

In Truth & Spirit,
Reverend Kurt Benshoof

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---Frederick Douglass

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---Thomas Sowell

On Thu, Oct 12, 2023 at 12:12 PM Mishra, Sanjay N <snmishra@seattleschools.org> wrote:

Hello,

Below is an inquiry requesting information from a former JAMS student. Thank you!

Best Regards,

SM

Sanjay Mishra (he/him)

Jane Addams Middle School

11051 34th Ave NE

Seattle, WA 98125

(206) 252-4510

Positive Aware Welcoming Safe

From: kurt benshoof <kurtbenshoof@gmail.com>
Sent: Thursday, October 12, 2023 12:05 PM
To: Mishra, Sanjay N <snmishra@seattleschools.org>
Subject: Re: Student Azhrael Rune Walker

Hello snmishra! Could you please forward this to the Registrar?

Thanks!

Good afternoon,

I'm the father of Azhrael Rune Walker (DOB 4-22-2009) who attended 8th grade at JAMS last year.

Seattle Public Schools has no record of my son being enrolled for 9th grade in their system, and I phoned Highline Public Schools as well because my son had been on the wait list for the aviation program at Raisbeck. Highline does not have them in their system either.

I called the SPS District Office and was told that JAMS should have record of where his school records were forward to. Can you please call or email me back with which school his records were forward to for 9th grade this year?

My cell phone is (206) 460-4202.

In Truth & Spirit,

Reverend Kurt Benshoof

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From: [kurt.benshoof](#)
To: [Narver, Gregory C](#)
Subject: Re: Student Azhrael Rune Walker
Date: Tuesday, October 17, 2023 2:46:10 PM
Attachments: [image001.png](#)

Mr. Narver,

I have a right to examine them today, so spare me your irrelevant FERPA citations. I've seen them already. I addressed them in my lawsuit.

I wish to produce for my examination or review ALL of my son's records in the possession of Seattle Public Schools so that I can trace when and where Ms. Owen has violated RCW 9A.76.175 to facilitate her custodial interference.

If this will take more than one day, the prioritized order of importance for production and/or review is as follows:

1. SPS records of where my son's records were forwarded to after Azhrael completed, or was withdrawn from, 8th grade at JAMS.
2. The enrollment records Ms Owen filed with JAMS/SPS in August or September 2021, including, but not limited to, any records Ms Owen completed or submitted regarding who were Azhrael's: (1) parents, (2) legal guardians; (3) step parents; and who did, or did not, have the right to pick Azhrael up from school.

Thank you.

On Tuesday, October 17, 2023, Narver, Gregory C <gcnarver@seattleschools.org> wrote:

Mr. Benshoof:

We are in receipt of your emails concerning your son's educational records. Please clarify exactly which educational records you are asking Seattle Public Schools to provide. Any records and information that you are legally entitled to receive will be produced to you within the 45-day time period established under the Family Educational Rights and Privacy Act.

Greg Narver



Gregory C. Narver

General Counsel

gcnarver@seattleschools.org

2445 3rd Ave. So.

Seattle, WA 98134

T: 206.252.0651

C: 206.867.3379

From: kurt benshoof <kurtbenshoof@gmail.com>

Sent: Tuesday, October 17, 2023 12:20 PM

To: Mishra, Sanjay N <snmishra@seattleschools.org>; Narver, Gregory C <gcnarver@seattleschools.org>; Brent Jones <Brent.Jones@seattleschools.gov>; Montgomery, Paula <plmontgomery@seattleschools.org>; Cerqui, John <jcerqui@seattleschools.org>; Youssef, Nazik S <nsyoussef@seattleschools.org>; Disario, Rachel C <rcdisario@seattleschools.org>; O'Connor, Roxane A <radavis@seattleschools.org>; Camacho, Dairely <dacamacho@seattleschools.org>; Lee, Lorraine N <lnlee@seattleschools.org>; Public Records Request <publicrecords@seattleschools.org>; Hastings, Ayrian L <alhastings@seattleschools.org>

Subject: Re: Student Azhrael Rune Walker

Hello again!

I have not received any response from the JAMS registrar, nor has Chief Legal Counsel Gregory Narver responded to my emails from last week. The JAMS registrar already had my email blocked when I tried emailing them last week for the first time.

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My son's name is Azhrael Rune Walker, DOB 4-22-2009.

RCW [28A.605.030](#)**Student education records—Parental review—Release of records—Procedure.**

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Through the equal protection clause of the Fourteenth Amendment, my First Amendment to the United States Constitution right to redress of grievances is being infringed upon by the malfeasance, misfeasance, or nonfeasance of SPS officials. I have reason to believe, and do believe, that my son's mother, Jessica R. Owen, knowingly and willfully LIED when she submitted admission documents to Jane Addams Middle School in September 2021 in order to perpetrate custodial interference against me. SPS, by denying me access to my son's

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Furthermore, rights not elsewhere enumerated are reserved to the people under the Ninth Amendment to the United States Constitution.

Please either: (1) provide evidence documenting the lawful authority by which SPS officials are denying my right of review pursuant to RCW 28A. 605.030; (2) provide my son's records to me immediately; or (3) acknowledge that SPS officials are in violation of state and federal laws.

In Truth & Spirit,

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Sanjay Mishra (he/him)

Jane Addams Middle School

11051 34th Ave NE

Seattle, WA 98125

(206) 252-4510

Positive Aware Welcoming Safe

From: kurt benshoof <kurtbenshoof@gmail.com>

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To: Mishra, Sanjay N <snmishra@seattleschools.org>

Subject: Re: Student Azhrael Rune Walker

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I called the SPS District Office and was told that JAMS should have record of where his school records were forward to. Can you please call or email me back with which school his records were forward to for 9th grade this year?

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From: [Narver, Gregory C](#)
To: [kurt.benshoof](#)
Subject: RE: Student Azhrael Rune Walker
Attachments: [image001.png](#)

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Seattle Public Schools receives numerous requests from parents for educational records, and SPS processes these requests in the order in which they are received. There are other parents who submitted records requests before you did, and we are under no obligation to prioritize your request ahead of theirs.

As you are aware, FERPA allows us 45 days to produce educational records. The 45-day time frame is also contained in SPS Superintendent Procedure 3231SP. We are sometimes able to produce records sooner than that, but because of the volume of requests we receive and the limited number of staff we have to respond, there is no guarantee that we can. You will receive those educational records you have requested that SPS is legally obligated to produce no later than 45 days from the time of your request, in compliance with the law and our procedure.

You will next hear from us when we have records ready to produce to you.

Greg Narver



Gregory C. Narver

General Counsel

gcnarver@seattleschools.org

2445 3rd Ave. So.

Seattle, WA 98134

T: 206.252.0651

C: 206.867.3379

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Gregory C. Narver
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From: kurt benshoof <kurtbenshoof@gmail.com>
Sent: Sunday, October 22, 2023 4:44 PM
To: Narver, Gregory C <gcnarver@seattleschools.org>
Subject: Re: Student Azhrael Rune Walker

Mr. Narver,

It appears that you need to be reminded that I began requesting access to my son's records more than two years ago. You did not have the legal authority to deny me access to my son's records two years ago.

As such, I suggest you do everything in your power to expedite this process, starting with providing me the information regarding any document in the possession of SPS evidencing where my son's records have been forwarded to.

You're a public **servant**. Act like it.

FYI: I will be filing PRR's regarding the Covid-19 Vaccination Program Provider Agreements ("VPPA") that SPS may be a party to. If you have any knowledge or possession of such agreements, you can save me the hassle and have them emailed them to me directly.

Did you see the news? All of the Pfizer gene therapy treatments fraudulently promoted as "vaccines" which children were coerced into being injected with to enter any SPS building were **adulterated**. What happens to liability regarding an adulterated product, Mr. Narver?

What is the Park Doctrine? Can SPS shift blame to the CDC or FDA, or is the fact that SPS did not abide by the terms of the VPPA that City of Seattle was a signatory to make it not just a problem for the CDC and FDA, but the City of Seattle as well?

The coercion of innocent, trusting children in violation of the express terms of the VPPA was bad enough, but the news just keeps getting worse, doesn't it?

It's gonna get worse, Mr. Narver. Unfortunately, you took an impertinent, adversarial position back in 2021 when I tried to protect my son from the ignorance and criminality of SPS officials, which I have thoroughly documented and recorded. Ooops!

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From: kurt benshoof <kurtbenshoof@gmail.com>
Date: October 24, 2023 at 10:13:26 AM PDT
To: bob.ferguson@ag.wa.gov, "Narver, Gregory C"
<gcnarver@seattleschools.org>
Subject: Seattle Public Schools violations of RCW 28A.624.010; 28A.605.020,
.030

Good morning,

I am contacting your office as the remedy of last resort before seeking redress in our courts.

Seattle Public Schools ("SPS"), specifically Jane Addams Middle School officials and SPS Chief Legal Counsel Gregory Narver, have conspired to deny me access to my son's school records for more than two years.

This is briefly detailed in the federal lawsuit filed last month in U.S. District Court for the Western District of Washington, Case No. 2:23-cv-01392-JNW. (Dkt. #9 at 74)

Mr. Narver has tried to hide the malfeasance, misfeasance, and nonfeasance of SPS officials under FERPA. That's not an advisable strategy.

Is your office willing to remedy this matter and direct SPS officials to respect my rights as a father and to follow the law, or do I need to take this to court in a separate action seeking declaratory and injunctive relief or, in the alternative, a Writ of Mandamus?

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From: kurt benshoof <kurtbenshoof@gmail.com>
Date: October 24, 2023 at 10:43:44 AM PDT
To: "Mishra, Sanjay N" <snmishra@seattleschools.org>, "Narver, Gregory C" <gcnarver@seattleschools.org>, Brent.Jones@seattleschools.gov, "Montgomery, Paula" <plmontgomery@seattleschools.org>, "Cerqui, John" <jcerqui@seattleschools.org>, "Youssef, Nazik S" <nsyoussef@seattleschools.org>, "Disario, Rachel C" <rcdisario@seattleschools.org>, "O'Connor, Roxane A" <radavis@seattleschools.org>, "Camacho, Dairely" <dacamacho@seattleschools.org>, "Lee, Lorraine N" <lnlee@seattleschools.org>, Public Records Request <publicrecords@seattleschools.org>, "Hastings, Ayrian L" <alhastings@seattleschools.org>, Frontdesk@hum.wa.gov
Subject: Re: Student Azhrael Rune Walker

Good morning,

Please find the attached complaint to the Washington Human Rights Commission regarding the more than two years of violations by SPS officials of RCW 28A.624.010; 28A.605.020, .030.

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My son's name is Azhrael Rune Walker, DOB 4-22-2009.

RCW [28A.605.030](#)

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(b) He or she intentionally *refrains from performing a duty imposed upon him or her by law*.

(2) Official misconduct is a gross misdemeanor.

Denial of rights under "color of law" is also a federal felony pursuant to 18 U.S. Code § 242:

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the *deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States*

Through the equal protection clause of the Fourteenth Amendment, my First Amendment to the United States Constitution right to redress of grievances is being infringed upon by the malfeasance, misfeasance, or nonfeasance of SPS officials. I have reason to believe, and do believe, that my son's mother, Jessica R. Owen, knowingly and willfully LIED when she submitted admission documents to Jane Addams Middle School in September 2021 in order to perpetrate custodial interference against me. SPS, by denying me access to my son's records, appear to be aiding and abetting the false or misleading statements of Ms. Owen, which were made in violation of RCW 9A.76.175:

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Furthermore, rights not elsewhere enumerated are reserved to the people under the Ninth Amendment to the United States Constitution.

Please either: (1) provide evidence documenting the lawful authority by which SPS officials are denying my right of review pursuant to RCW 28A. 605.030; (2) provide my son's records to me immediately; or (3) acknowledge that SPS officials are in violation of state and federal laws.

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Jane Addams Middle School

11051 34th Ave NE

Seattle, WA 98125

(206) 252-4510

Positive Aware Welcoming Safe

From: kurt benshoof <kurtbenshoof@gmail.com>

Sent: Thursday, October 12, 2023 12:05 PM

To: Mishra, Sanjay N <snmishra@seattleschools.org>

Subject: Re: Student Azhrael Rune Walker

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From: kurt benshoof <kurtbenshoof@gmail.com>

Sent: Wednesday, October 25, 2023 10:48 AM

To: Mishra, Sanjay N <snmishra@seattleschools.org>; Narver, Gregory C <gcnarver@seattleschools.org>; Montgomery, Paula <plmontgomery@seattleschools.org>; Cerqui, John <jcerqui@seattleschools.org>; Youssef, Nazik S <nsyoussef@seattleschools.org>; Disario, Rachel C <rcdisario@seattleschools.org>; O'Connor, Roxane A <radavis@seattleschools.org>; Camacho, Dairely <dacamacho@seattleschools.org>; Lee, Lorraine N <lnlee@seattleschools.org>; Public Records Request <publicrecords@seattleschools.org>; Hastings, Ayrian L <alhastings@seattleschools.org>; Frontdesk@hum.wa.gov; Jones, Brent C <bjones@seattleschools.org>

Subject: Re: Student Azhrael Rune Walker

Good morning,


It appears that SPS may have signed a CDC Covid-19 Vaccination Program Provider Agreement ("VPPA"). It remains a possibility that SPS is acting under the VPPA signed by City of Seattle officials.

Do I need to do a PRR to uncover whether SPS officials were signatory to a VPPA independent of the City of Seattle, or will one of you provide me with confirmation or denial of that?

"Seattle Public Schools is partnering with the Seattle Visiting Nurse Association (SVNA) and GO-VAX Kids to provide vaccine clinics for the public."

Vaccination Clinics
Posted on September 28, 2023

Summary: Stay up to date with vaccines including boosters at vaccination clinic for children and adults.



Fall 2023 SPS Vaccine Clinics

Make Your Vaccine Appointment

1. Find a date and location that is convenient for you and your family: These are regional clinics open to all in the SPS community. You do not have to be a student or staff of a particular school to make an appointment.
2. Make your appointment online
3. Come to your appointment

School-Based Health Center Vaccines

School-based health centers located in many of our schools offer free vaccinations for students including COVID-19, flu, and required childhood vaccines. To get a vaccine at a school-based health center, contact the center directly. For a list and map of schools with school-based health centers, visit [King County School Health](#). ¹²

Vaccine Clinic Locations

+ Vaccine Clinics by Date

+ Vaccine Clinics by Location

Can't make it to one of these clinics?
Please visit [Washington Vaccine Locator](#) to find another appointment.

Seattle Public Schools is partnering with the Seattle Visiting Nurse Association (SVNA) and GO-VAX Kids to provide vaccine clinics for the public.

Getting vaccines is optimal for getting through cold-weather seasons. Vaccine clinics are held inside schools. Pre-enrolling for an appointment on the SVNA website or GO VAX Kids registration form is required, however people who walk up may use their cell phone to enroll.

GO-VAX Kids is offering flu, COVID-19 and school-required vaccines for children ages six months to 18 years.

SVNA is offering flu vaccines to anyone age four to adult; and COVID-19 vaccines to anyone age five to adult.

Most insurance is accepted.

Have Medicaid or Apple Health Card? Call Hopetrek Medicaid at [800-923-7433](tel:800-923-7433). (Check eligibility)

Setting aside the unanswered question of whether one or more SPS officials signed a VPPA, it is my current understanding that by "partnering" to inject children with experimental gene therapy treatments (aka "Covid-19 vaccines"), SPS is legally obligated to comply with the terms of the VPPA signed by City of Seattle officials. As you will note on Line 12(a), VPPA conditions are mandatory. As such, violations of Line 12(a) voids indemnification for the City of Seattle, and likely SPS. (See attached .pdf VPPA).

12. a) "Organization **must comply** with all applicable requirements as set forth by the U.S. Food and Drug Administration, including but not limited to requirements **in any EUA** that covers COVID-19 vaccine."

Aren't many of you licensed attorneys who went to law school? Does administration of an EUA product explicitly **prohibit coercion**? Is the position of SPS that refusing to allow students and parents inside SPS schools during the 2021-2022 school year without first being injected with Pfizer experimental gene therapy treatment **was not coercive**? Honestly, it's difficult to differentiate between ignorantly inept and callously corrupt. It is often both.

It gravely concerns me that SPS officials **are still promoting the injection of children** with Pfizer experimental gene therapy treatments. Are all of you brain dead? Have you been living under a rock for the last three years of information which has been obtained through lawsuits and FOIA requests? I'm providing you with a link to a recent speech at the Summit for Truth & Wellness by Dr. Naomi Wolf regarding the known Pfizer harm to children and mothers. **Harms that were known in 2021.**

<https://x.com/naomirwolf/status/1716505203489251620?s=20>

Your assistance remains welcome. **Our first priority** should always be protecting children under the axiom **first, do no harm**. Please feel free to reach out to me, as I can provide further documentation for your review. In the alternative, your silence will be considered negligently adversarial to the well-being of all children---at a minimum.

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Superior Court of Washington, County of King

In re:

Petitioner/s (*person/s who started this case*):

JESSICA R. OWEN,

And Respondent/s (*other party/parties*):

KURT A. BENSHOOF.

No. 21-5-00680-6 SEA

Restraining Order

Final (RSTO)

Clerk's action required: **6, 7**Surrender Weapons Ordered: ☒ yes ☐ no**Restraining Order***This order replaces all earlier Restraining Orders with the same Restrained Person, issued under this case number.***1. This Order restrains (name):**

Kurt A. Benshoof

Restrained Party's distinguishing features:

Restrained Party's Identifiers

Sex	Race	Hair
Male	White	Grey/Bald
Height	Weight	Eyes
6'0"	175	Blue

Caution: Access to weapons: ☒ yes ☐ no ☐ unknown**2. This Order protects JESSICA OWEN, and the following children, who are under 18 (if any)**Child's nameAge

1. Azhrael R. Walker

13

3. To the Restrained Person listed in 1:This Order starts immediately, and ends in 12 months or on *September 28, 2027***Warning! You must obey this order.** Violation of this order with actual notice of its terms is a **criminal offense** under Chapter 7.105 RCW and will subject the violator to arrest (*RCW 7.105.450*). This order is enforceable in all 50 U.S. states, the District of Columbia, and U.S. territories and tribal lands (*18 U.S.C. § 2265*).

4. Findings

Authority: The court has jurisdiction over the parties, the children listed in 2, and the subject matter.

Notice: The Restrained Person had reasonable notice and an opportunity to be heard. This Final Restraining Order was entered pursuant to an Order for Default.

Credible Threat: The Restrained Person represents a credible threat to the physical safety of the Protected Person.

Intimate Partner: The Restrained Person and the Protected Person are/were intimate partners because they are parents of a child-in-common, and formerly in a dating relationship (age 13 or older) and have lived together.

5. Court Orders to the Restrained Person listed in 1:

Warning! You must obey this order until it ends. If you know about this order but do not obey, you may be arrested and charged with a crime.

Do not disturb

Do not disturb the peace of the Protected Person or of any child listed in 2.

Stay away

Do not go onto the grounds of or enter the Protected Person's home, workplace, vehicle, or school, or the daycare or school of any child listed in 2.

Do not knowingly go or stay within **500 feet** of the Protected Person's home, vehicle, workplace, school, or the daycare or school of any child listed in 2.

Do not hurt or threaten

Warning! If the court checks this box, the court must consider if weapons restrictions are required by state law; federal law may also prohibit the Restrained Person from possessing firearms or ammunition.

Do not:

- Assault, harass, stalk or molest the Protected Person or any child listed in 2; or
- Use, try to use, or threaten to use physical force against the Protected Person or children that would reasonably be expected to cause bodily injury.

Prohibit weapons and order surrender (separate order required)

The Restrained Person must:

- Immediately surrender to law enforcement and not access, possess, have in their custody or control, purchase, receive, or attempt to purchase or receive firearms, other dangerous weapons, or concealed pistol licenses; and
- Comply with the **Order to Surrender and Prohibit Weapons** (form WS 001) filed separately.

Findings – The court must issue the orders referred to above because the court ordered the do not hurt or threaten restraints above and the court finds that the restrained person had actual notice and an opportunity to participate. AND:

- the restrained person represents a **credible threat** to the physical safety of a protected person, OR
- This order explicitly prohibits the use, attempted use, or threatened use of **physical force** against any protected person.

Therefore, the weapons restrictions are required by state law. RCW 9.41.800(2).

Do not contact. KURT BENSHOOF shall make no attempts whatsoever to contact the protected person or the child listed in **1**, including but not limited to contact in-person, by phone, by text, by email, by written letter, or through third parties, except as may be set out in the parties' Parenting Plan.

Service of Process. KURT BENSHOOF may only effect service of process, for any and all legal proceedings, through use of either Pegasus Process Service or ABC Legal Services. Any service of process made by KURT BENSHOOF by any other means is a violation of this Restraining Order.

6. **Washington Crime Information Center (WACIC) and Other Data Entry**

Clerk's Action. The court clerk shall forward a copy of this order immediately to the following law enforcement agency Seattle Police Department.

This agency shall enter this order into WACIC and National Crime Info. Center (NCIC).

7. **Service:**

- ☒ **Required.** The Restrained Person must be served with a copy of this order.

Important! The Protected Person has a right to have law enforcement serve this order free of charge if the "Do not disturb," "Stay away," "Do not hurt or threaten," or "Prohibit weapons and order surrender" boxes are checked above.

- ☒ The **law enforcement agency** where the Restrained Person lives or can be served shall serve the Restrained Person with a copy of this order and shall promptly complete and return proof of service to this court.

Law enforcement agency: SEATTLE POLICE DEPARTMENT

- ☐ The **Protected Person** shall make private arrangements for service.
(*This is only an option if surrender of weapons is **not** ordered*)

After serving, the server fills out a *Proof of Personal Service* (form FL All Family 101) and gives it to you. File the original *Proof of Personal Service* with the court clerk, and give a copy to the law enforcement agency listed in section 6 above.

Clerk's Action. The court clerk shall forward a copy of this order on or before the next judicial day to the agency and/or person checked above. The court clerk shall also provide a copy to the Protected Person.

- ☐ **Not required.** The Restrained Person does not have to be served because the Restrained Person or their lawyer signed this order, or was at the hearing when this order was made and the court finds sufficient notice.

Ordered.

Date

Time

Judge or Commissioner

Petitioner and Respondent or their lawyers fill out below.

This order (*check any that apply*):

☐ is an agreement of the parties

☒ is presented by me

☐ may be signed by the court without notice to me

This order (*check any that apply*):

☐ is an agreement of the parties

☐ is presented by me

☐ may be signed by the court without notice to me

NATHAN CLIBER, WSBA 41787
Attorney for Petitioner

KURT A. BENSHOOF,
Respondent, pro se

AMY FRANKLIN-BIHARY,
WSBA #35787
Guardian ad Litem

Important! Protected Person: you must fill out a *Law Enforcement and Confidential Information* form, PO 003, and give it to the court clerk.

King County Superior Court
Judicial Electronic Signature Page

Case Number: 21-5-00680-6
Case Title: OWEN VS BENSHOOF
Document Title: ORDER RE RESTRAINING ORDER

Signed By: David Keenan
Date: October 21, 2022



Judge: David Keenan

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: D4CD579720E4BB8A7E792BCE878FD210340F014A
Certificate effective date: 1/3/2022 3:21:39 PM
Certificate expiry date: 1/3/2027 3:21:39 PM
Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,
O=KCDJA, CN="David Keenan:
CCQR2jst7BGY3+AVCKww+Q=="



November 28, 2023

Via Email

Kurt Benshoof
1716 N. 128th Street
Seattle, WA 98133
kurtbenshoof@gmail.com

Re: *Seattle School District No. 1 v. Benshoof*
U.S. District Court for the Western District of Washington

Dear Mr. Benshoof:

This letter responds to your email to me dated October 17, 2023, requesting all records of your son, Azhrael Rune Walker, in the possession of Seattle Public Schools (SPS).

SPS is sending you, in a separate communication, electronic copies of your son's educational records. As you will see, some information has been redacted from those records, as authorized by law.

I want to call your attention to one specific piece of information that has been redacted. You have requested information as to where your son's records were forwarded after he completed the 8th grade at Jane Addams Middle School. SPS has redacted that location from the records being provided to you.

You have made clear in your communications that you believe you are legally entitled to that information. SPS does not agree. We do not believe that we are required to produce this information to you under the Family Privacy Educational Rights and Privacy Act (FERPA), and further believe that the information is properly withheld under the terms of the Restraining Order entered against you by King County Superior Court Judge David Keenan. Specifically, Judge Keenan's order included a finding that you represent "a credible threat to the physical safety" of Jessica Owen, your son's mother. It further prohibits you from harassing or stalking Ms. Walker or your son.

Because there is an actual controversy between you and SPS regarding SPS's duties under FERPA with respect to this information, SPS has filed today a Complaint in the United

Gregory C. Narver
General Counsel

John Stanford Center for Educational Excellence * gcnarver@seattleschools.org
Mailing Address: MS 32 – 151 * PO BOX 34165 * Seattle, WA * 98124-1165 * 206-252-0651

States District Court for the Western District of Washington. That Complaint is being sent to you under separate cover by SPS's litigation counsel, Sarah Mack. As you will see, SPS is asking the Court to decide the scope of its disclosure obligations under FERPA and under the Restraining Order.

Ms. Mack will also be sending you a Summons and a form titled "Waiver of the Service of Summons." Information regarding your options regarding waiver of formal service of process will be provided to you by Ms. Mack.

Please address all future communications concerning this matter to Ms. Mack.

Sincerely,

Gregory C. Narver

Gregory C. Narver
General Counsel

cc: Sarah Mack, Pacifica Law Group

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Special Ed Connection® Case Report

22 FAB 12**119 LRP 1066****Letter to Arakaki
Family Policy Compliance Office**

N/A

August 1, 2018**Judge / Administrative Officer****Dale King, Director****Ruling**

FPCO determined that a district did not violate FERPA when it refused to provide a noncustodial parent with a student's address and telephone number. FPCO dismissed the complaint.

Meaning

Under FERPA, a school is required to provide a parent with an opportunity to inspect and review his or her child's education records within 45 days of the receipt of a request. However, schools may be allowed to withhold this information from a noncustodial parent, when a student, custodial parent, or other individual may be in physical danger from the noncustodial parent. Here, a district justified withholding records from a noncustodial parent by pointing to the custodial parent's health and safety concerns stemming from the noncustodial parent's past arrest and her fears of the noncustodial parent having their physical address.

Case Summary

A district did not violate FERPA when it refused to provide a noncustodial parent with the address and telephone number of the student. The noncustodial parent requested the student's current address on file, emergency contact information, and information on who had permission to pick him up. The district refused to provide the address of the physical residence, the phone contact information, or any documents not specific to the child's educational progress or wellbeing, citing the most current official court document that the school had on file. The parent filed a complaint with FPCO. Under FERPA, the term

"education records" is defined as those records that contain information directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution. 34 CFR 99.3. FPCO explained that a school is required to provide a parent with an opportunity to inspect and review his or her child's education records within 45 days of the receipt of a request. However, FPCO explained that it has historically advised that in situations where a school has evidence that a student, custodial parent, or other individual may be in physical danger from a noncustodial parent, it would not require the school to provide the noncustodial parent with the address, telephone listing, or related contact information regarding the student or parent. This district responded to the complaint, stating that the principal had informed the student's mother of the noncustodial parent's request, and the parent expressed health and safety concerns stemming from his past arrest. The parent informed the principal that she was fearful of the noncustodial parent and wanted their physical address to remain unknown to him. The district consulted with its attorney and decided not to provide the requested information to ensure the health and safety of the student, according to FPCO. Based on the information provided to the school by the student's mother and information provided by the district, FPCO determined that the district did not violate FERPA.

Full Text

Dear Mr. Arakaki:

This is to inform you of the finding in the complaint against the Kauai Complex Area School District (District) by [] (Parent). We apologize for the delay in issuing the finding in this complaint. In the Parent's complaint to the Family Policy Compliance Office (Office), he alleged that the District violated FERPA when it failed to provide him access to certain of the education records of his son, [] (Student). Specifically, the Parent states:

I requested my son's current address on file, emergency contact information, and information on

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who has permission to pick him up. I made a verbal request on 2/16/15 and in writing [on] 2/17/15. ...

I have submitted custody documents, denied. Sat with [], [principal []] ... denied. ...

Along with his complaint, the Parent submitted a February 23, 2015, letter from [] to the Parent denying him access to the requested information. In the letter, [] states:

The school will not release physical residence, phone contact on emergency card, or documents not specific to your child's educational progress or wellbeing. This is due to most current and official court document the school has on file dated December 16, 2009.

By letter dated September 29, 2015, this office informed the District of the Parent's allegation and asked that the District provide a written response. You responded by letter dated October 30, 2015. In your response you state:

Principal [] did not deny Parent access to education records. Parent requested Student's physical address and telephone number. Principal [] informed Student's mother of Parent's request and she expressed health and safety concerns stemming from Parent's past arrest and indictment for promotion of prostitution. Mother if fearful of Parent and wants their physical address to remain unknown to Parent. In consultation with one of the Deputy Attorneys General that advises the Department of Education, Principal [] did not provide Student's physical address and telephone contact number to Parent. The health and safety of the student is of the utmost priority and importance at [] School and as such [] declined to provide the physical address and telephone contact number for the Student to the Parent.

Under FERPA, the term "education records" is defined as those records that contain information directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution. 34 CFR § 99.3 "Education records." A school is required to provide a

parent with an opportunity to inspect and review his or her child's education records within 45 days of the receipt of a request. However, this Office has historically advised that, in a situation where a school has evidence that a student, custodial parent, or other individual may be in physical danger from a noncustodial parent, we would not require the school to provide the noncustodial parent with the address, telephone listing, or related contact information regarding the student or parent.

Based on information provided to the school by the Student's mother, and based on the information provided in your October 30, 2015, letter of response, this Office finds that the District did not violate FERPA when it did not provide the Parent with the address and telephone number of the Student. The Parent will be informed of this finding by copy of this letter.

Thank you for your cooperation with regard to the resolution of this complaint. Again, we apologize for the delay in issuing the finding in this complaint.